

Message Text

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44
ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-20 NSC-10 L-03

H-03 OIC-04 AF-10 ARA-16 EA-11 NEA-10 SSO-00 NSCE-00

INRE-00 SCA-01 A-01 SY-10 USSS-00 DRC-01 IO-14 /171 W

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FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 4185

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FROM USREP ICAO

E. O. 11652: N/A
TAGS: ETRN, CA
SUBJ: ICAO - COUNCIL CONSIDERATION OF NEW SECURITY ANNEX FROM CUI

REF: MONTREAL 2213

1. CWP/5896 CAME BEFORE COUNCIL MORNING DEC 10 FOLLOWING FOOT-DRAGGING STATEMENTS BY AFRICANS AND GENERAL COMMENT BY OTHER MEMBERS, MEXICO PROPOSED DEFERRING ANY FURTHER DISCUSSION UNTIL NEXT SESSION COUNCIL (MARCH) ARGUING THAT MAJOR STEP REQUIRED FURTHER STUDY AND CONSULTATION WITH RESPECTIVE GOVERNMENTS. FOLLOWING LUNCH BREAJ PROPOSAL DEFEATED 9 FOR/16 AGAINST (US)/4 ABSTENTIONS. ITEM WILL NOW BE DISCUSSED EACH DAY UNTIL DECIDED AFTER RPT AFTER ROUTINE ITEMS ON OB COMPLETED.

2. DISCUSSION THIS DATE BEGAN CHAPTER BY CHAPTER THROUGH 3 WITH FOUR AFRICAN STATES CLEARLY FILIBUSTERING. STRONG SUPPORT FOR NEW SECURITY ANNEX CAME FROM TRINIDAD & TOBAGO, AUSTRALIA (WHO SPOKE HARSHLY AGAINST SHIRKING RESPONSIBILITIES, AND OTHERS.

3. AT ADJOURNMENT COUNCIL WAS CONSIDERING FRENCH PROPOSAL FOR
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DEFINITIONS (ON LESS FORMAL "NOTES") FOR WORD "SECURITY" IN

PHRASE "ACTS OF UNLAWFUL INTERFERENCE". THE TWO PROPOSALS ARE SAME.

(A) "SECURITY" READS AS FOLLOWS - "NOTE: IN CHAPTER 1 THROUGH 8 IN PRESENT ANNEX, WORD SECURITY DESIGNATES THE PROTECTION OF INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE" (B) "NOTE. IN THIS ANNEX "ACTS OF UNLAWFUL INTERFERENCE DESIGNATES THE ACTS CONTEMPLATED IN HAGUE AND MONTREAL CONVENTIONS, ARTICLE 1". SENEGAL REQUESTED CONSIDERATION OF REPEATING CONTENT OF ARTICLE 1 BOTH CONVENTIONS ALONG LINES OF DISCUSSION PAPER NO. 4 APPENDIX I TO STATE LETTER 260 AS FOLLOWS: "ACTS OF UNLAWFUL INTERFERENCE MEANS: (A) UNLAWFUL SEIZURE ?/OR EXERCISE OF CONTROL OF AN AIRCRAFT BY FORCE OR THREAT THEREOF; (B) ACTS OF VIOLENCE AGAINST PERSONS ON BOARD AN AIRCRAFT, WHICH ARE LIKELY TO ENDANGER ITS SAFETY IN FLIGHT; (C) DESTRUCTION OF AN AIRCRAFT OR DAMAGE TO IT, WHICH RENDER IT INCAPABLE OF FLIGHT OR IS LIKELY TO ENDANGER ITS SAFETY IN FLIGHT; (D) PLACING ON AN AIRCRAFT A DEVICE OR SUBSTANCE WHICH IS LIKELY TO DESTROY THE AIRCRAFT OR TO CAUSE DAMAGE TO IT WHICH RENDER IT INCAPABLE OF FLIGHT, OR WHICH IS LIKELY TO ENDANGER ITS SAFETY IN FLIGHT" THIS LANGUAGE WAS COMPILED BY DIRECTOR LEGAL BUREAU FOR DISCUSSIONS IN CUI, BEING A COMPOSITE. IT IS NOT RPT NOT IDENTICAL TO HAGUE/MONTREAL LANGUAGE. (C) USREP UNDERSTANDS THIS APPROACH WAS VOTED DOWN AT ROME ASSEMBLY IN FINAL DAYS. AFRICANS REPEATEDLY REFER TO THAT VOTE (AS WELL AS THE WASTEFULNESS AND FUTILITY OF ANY MEASURES TO COUNTERACT UNLAWFUL INTERFERENCE INCLUDING THE NEGATIVE OUTCOME OF ROME MEETING. IMPORTANT USREP KNOW BACKGROUND OF ROME VOTE ON DEFINITIONS.)

(D) DIRECTOR LEGAL BUREAU MADE SUGGESTION REGARDING SPANISH LANGUAGE PROBLEM REGARDING ONE WORD "SEGURIDAD" WHICH MEANS BOTH SECURITY AND SAFETY IN SPANISH: AN ASTERISK SHOULD APPEAR EACH TIME USED WITH FOOTNOTE -"ASTERISK. THIS DENOTES PROTECTION OF CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE".

4. IN REFTEL USREP TRANSMITTED PROPOSED TEXT OF NEW SECURITY ANNEX UNDER CONSIDERATION. NO RESPONSE RECEIVED. ASSUME THAT INSTRUCTIONS IN IGIA 51/2.13A DATED JULY 2, 1972 STILL APPLY CABLE AND THAT DEPT INTERESTED IN ICAO ANNEX ON SECURITY MEASURES AGAINST HIJACKING AND AGAINST UNLAWFUL INTERFERENCE.
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5. COUNCIL MEETS AFTERNOON DEC 11. MAY COMPLETE CONSIDERATION DEFINITIONS QUESTION. IF NOT WILL SEEK FURTHER INSTRUCTION.
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